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07 UNITED STATES DISTRICT COURT
08 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

09 UNITED STATES OF AMERICA,)
10 Plaintiff,) Case No. CR08-270-RSL
11 v.)
12 LARRY DEAN SWIHART,) SUMMARY REPORT OF U.S.
13 Defendant.) MAGISTRATE JUDGE AS TO
ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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15 An evidentiary hearing on a petition for violation of supervised release in this case
16 was scheduled before the undersigned Magistrate Judge on May 29, 2009. The United States
17 was represented by Assistant United States Attorney Kathryn A. Warma, and the defendant
18 by Jennifer E. Wellman. The proceedings were digitally recorded.

19 The defendant had been charged and convicted of Unarmed Bank Robbery, in
20 violation of 18 U.S.C. § 2113(a). On or about March 23, 2005, defendant was sentenced by
21 the Honorable Robert S. Lasnik to a term of thirty-nine (39) days in custody, to be followed
22 by three (3) years of supervised release.

23 The conditions of supervised release included the requirements that the defendant
24 comply with all local, state, and federal laws, and with the standard conditions. Special
25 conditions imposed included, but were not limited to, participation in a substance-abuse
26 program, financial disclosure, \$2,140 restitution, submit to search, no new credit, and shall

not enter establishments whereby alcohol is primary commodity for sale.

In a Petition for Warrant or Summons dated April 29, 2009, U.S. Probation Officer Steven R. Gregoryk asserted the following violations by defendant of the conditions of his supervised release:


- (1) Failing to report for drug testing on April 27, and April 28, 2009, in violation of the special condition of supervision which states that the defendant shall submit to substance abuse testing.
- (2) Failure to notify the probation officer at least ten days prior to any change in residence or employment, in violation of standard condition No. 6.

On May 15, 2009, defendant made his initial appearance. The defendant was advised of the allegations and advised of his rights. On May 29, 2009, this matter came before the Court for an evidentiary hearing. After being advised of his rights, defendant admitted to violation 1. Alleged violation 2 was dismissed without prejudice by the government.

I therefore recommend that the Court find the defendant to have violated the terms and conditions of his supervised release as alleged in violation 1, and that the Court conduct a hearing limited to disposition. No disposition date has been set in light of defendant's participation in an inpatient drug treatment program.

Pending a final determination by the Court, the defendant has been released, subject to supervision.

DATED this 29th day of May, 2009.


JAMES P. DONOHUE
United States Magistrate Judge

cc:	District Judge:	Honorable Robert S. Lasnik
	AUSA:	Ms. Kathryn A. Warma
	Defendant's attorney:	Ms. Jennifer E. Wellman
	Probation officer:	Mr. Steven R. Gregoryk

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